

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, et al,

Debtors

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY

Debtor

PROMESA
Title III

No. 17BK 3283-LTS

Re: ECF No. 1065-1, 1512-1

(Jointly Administered)

PROMESA
Title III

No. 17BK 4780-LTS

**This Stipulation relates only
to PREPA**

**MOTION REQUESTING MODIFICATION OF AUTOMATIC STAY BETWEEN THE PUERTO
RICO ELECTRIC POWER AUTHORITY AND JUAN CARLOS PÉREZ-IRENE AND OTHERS**

TO THE HONORABLE COURT:

COME NOW Plaintiffs Juan Carlos Pérez Irene, et al, in case *Pérez Irene et al v. Puerto Rico Electric Power Authority*, Civil Case No. KLAN2017-00693 before the Puerto Rico Court of Appeals, and request a further modification of the stay issued in case *Financial and Oversight Management Board for Puerto Rico, as representative of the Commonwealth of Puerto Rico, et al.*, Case No. 17BK 3283-LTS (Jointly Administered), on the following grounds:

1. Plaintiffs-Appellants in Case No. KLAN2017-00693 seek to receive a relief from stay so

that they may prosecute a writ of certiorari before the Supreme Court of Puerto Rico, in relation to the Judgment rendered by the Court of Appeals affirming the dismissal of the Complaint filed before the Court of First Instance of Puerto Rico.

2. In said case, a Third Omnibus Order granted relief from the automatic stay, and Plaintiffs in Case No. KLAN2017-00693, on April 23rd, 2018 were allowed by the Honorable Laura Taylor Swain to appeal the dismissal of the action against the Puerto Rico Electric Power Authority. The purpose was to allow Plaintiffs to seek reversal of the dismissal.

3. Plaintiffs sought reversal of the dismissal in said Case No. KLAN2017-00693. The result was that as per Judgment of June 24, 2019, the Puerto Rico Court of Appeals affirmed the Judgment.

4. Plaintiffs, relying on the relief of stay, sought a writ of certiorari before the Supreme Court in Case No. CC-2019-0515, which is currently pending.

5. Defendant Puerto Rico Electric Power Authority sought dismissal of said writ of certiorari on the grounds that the relief from stay granted by this Honorable Court on April 23rd, 2018 did not cover the filing of a writ of certiorari before the Supreme Court.

6. Under Puerto Rican Law, the affirmance of a judgment rendered by the Court of First Instance of the Commonwealth of Puerto Rico can be reviewed through certiorari before the Supreme Court by the affected party.

7. Plaintiffs hereby request that they be permitted to continue with their writ of certiorari in order to finally determine their rights against the Puerto Rico Electric Authority in the present

case.

8. Plaintiffs represent that they have reasonable grounds to believe that the judgment rendered by Court of Appeals is incorrect and should be reversed.

9. This Motion requesting Relief from Stay does not seek to enforce any judgment that may be rendered by the Supreme Court of Puerto Rico. Any judgment favorable to Plaintiffs and any further proceedings after the Supreme Court issues its ruling would be subject to a further request for relief from stay. Denial by the Supreme Court would end this litigation.

10. In compliance with the protocol governing the motions for relief of stay, on August 8, 2019 the undersigned attorney sent a copy of the present motion to attorneys Kevin D. Finger, representing Puerto Rico Fiscal Agency and Financial Advisory Authority, and to Katuska Bolaños Lugo, attorney for the Puerto Rico Electric Power Authority, addressed to their e-mail addresses, and they have not presented any objection at this time. (Copy attached hereto).

WHEREFORE, Plaintiffs request that they be allowed a relief from stay to continue prosecute their writ of certiorari before the Supreme Court of Puerto Rico.

CERTIFICATE OF SERVICE

I hereby certify that on this date I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and parties in the Master Service List.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, on this 29th day of August, 2019.

s/ Antonio J. Amadeo Murga
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